

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

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Department of State

Commonwealth of Pennsylvania,  
Bureau of Professional and  
Occupational Affairs

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Docket No. 1737-49-09  
File No. 09-49-07814

vs.

Lesley H. Lee, M.D.,  
Respondent

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended ("Act"), 63 P.S. §422.1 et seq.

2. At all relevant and material times, Lesley H. Lee ("Respondent") held a license to practice medicine in the Commonwealth of Pennsylvania, license number MD-056801-L.

3. Respondent admits that the following facts are true:

a. Respondent's license was current through December 31, 1998, but may be renewed upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's last known address is Lee & Lee Cosmetic Clinic, 4108 Woodland Road, Annandale, VA 22003.

c. On or about July 27, 2009, the Virginia Board of Medicine issued an Order In Re: Lesley H. Lee, M.D., License No.: 0101-055993.

d. A true and correct copy of the Order referenced in paragraph 3c is attached and incorporated as **Exhibit A.**

e. The Virginia Board of Medicine reprimanded the Respondent and imposed specific terms and conditions on the Respondent.

4. The actions of Respondent, described above, violated the Act at 63 P.S. §422.41(4) in that Respondent had disciplinary action taken by a proper licensing authority of another state.

5. Intending to be legally bound, the participants consent to issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 63 P.S. §422.41(4) in that Respondent had disciplinary action taken by a proper licensing authority of another state.

b. A **PUBLIC REPRIMAND** is placed on Respondent's record with the Board.

6. Respondent acknowledges receipt of an Order to Show Cause in this matter.

Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

7. This Consent Agreement is between the Commonwealth and Respondent only.

Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of

General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

8. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

9. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

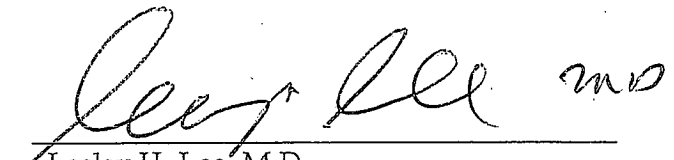
10. This Agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

11. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Keith E. Bashore  
Prosecuting Attorney  
Department of State

DATED: 10/15/09



Lesley H. Lee, M.D.  
Respondent

DATED: 10-12-09

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: LESLEY H. LEE, M.D.  
License No.: 0101-055993

ORDER

In accordance with Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Lesley H. Lee, M.D., on July 23, 2009, in Richmond, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Jane E. Piness, M.D., Chair; Stuart Mackler, M.D.; and Juan Montero, M.D. Dr. Lee appeared personally and was represented by Richard During, Esquire. Julia K. Bennett, Adjudication Specialist, was present as a representative for the Administrative Proceedings Division of the Department of Health Professions.

The purpose of the informal conference was to receive and act upon evidence that Dr. Lee may have violated certain laws and regulations governing the practice of medicine and surgery in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated June 17, 2009.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now, having properly considered the evidence and statements presented, the Committee adopts the following Findings of Fact and Conclusions of Law:

1. Lesley H. Lee, M.D., was issued license number 0101-055993 by the Board to practice medicine and surgery in the Commonwealth of Virginia on July 1, 1997. Said license is currently active and will expire on July 31, 2010, unless renewed or otherwise acted upon.

2. Dr. Lee explained to the Committee that when conducting laser skin treatment, her staff collect the initial patient information. Dr. Lee then meets with the patient to conduct an assessment and determine the proper course of treatment. Further, Dr. Lee explains all treatment options and associated risks to the patient. Under Dr. Lee's direct supervision, staff may administer laser treatments. When this occurs, Dr. Lee is always present in the room and directing staff throughout the course of treatment.

3. Dr. Lee violated Section 54.1-2915.A(3) and (13) of the Code, in that, during an unannounced inspection of her office located at 4108 Woodland Road, Annandale, Virginia, on or about May 2, 2008, a Department of Health Professions' inspector noted the following deficiencies:

- a. Surgical instruments were not maintained in a sterile fashion.
- b. A biohazard liner was not used in the medical waste container.
- c. Ketamine (Schedule III) and diazepam (Schedule IV) were maintained in unsecured cabinets.
- d. 0.9% sodium chloride was kept in the refrigerator without having a thermometer for temperature monitoring.
- e. Approximately 5 cc's of Ketamine were missing and unaccounted for from a 10 cc vial maintained in the office.
- f. Expired diazepam was maintained within working stocks, as well as various expired Schedule VI medications, to include Lidocaine, Flumazenil, Naloxene HCL, and atropine sulfate.

4. Dr. Lee admits that she did not properly maintain surgical instruments in a sterile fashion, use a biohazard liner in the waste container, have a working thermometer in the office refrigerator in which drugs were stored, nor did she properly dispose of expired medications. Dr. Lee explained that many of these deficiencies were the result of her not having gotten her office in full order after a move in location three months earlier. Dr Lee stated she has since corrected all deficiencies noted by the investigator and submitted photos to the Committee confirming corrective actions were taken.

5. Dr. Lee violated Sections 54.1-2915.A(17) and 54.1-3404 of the Code, in that no biennial inventory of Schedule II through V controlled substances was maintained in her office and no records were kept regarding the receipt, sale, administration, distribution, or other disposition of such controlled substances.

6. Dr. Lee violated Sections 54.1-2915.A(13) and (18) of the Code, and 18 VAC 85-20-30.C of the Board of Medicine General Regulations, in that she failed to properly manage and maintain accurate, legible, and complete patient records. Specifically:

- a. All patient records were maintained in one folder, rather than separate files for each patient, thereby commingling all the patient records.
- b. Numerous photographs of patients before and after liposuction and other procedures were found in a drawer, not attached to any patient record, in the kitchen that is used by staff.
- c. As demonstrated by Patient Z's record, illegible information is included in patient records, in that significant portions of the record are documented in a foreign language.

7. Dr. Lee stated she has learned a lot from this process and that, regardless of the allegations, patient safety has always been her utmost concern.

8. On behalf of Dr. Lee, her counsel advised that they have addressed these issues from two perspectives: (i) educating Dr. Lee about the Board's laws and regulations governing her practice; and (ii) taking all steps to ensure compliance with the Board's laws and regulations.

### ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Lesley H. Lee, M.D., be, and hereby is, issued a REPRIMAND, and it is further ORDERED that her license be, and hereby is, subject to the following TERMS and CONDITIONS:

1. Within thirty (30) days from entry of this Order, Dr. Lee shall provide the Board with a written statement certifying that she has read, and will comply with: (i) the laws governing the practice of medicine (Title 54.1, Chapter 29 of the Code); (ii) the Regulations Governing the Practice of Medicine (18 VAC 85-20-10 *et. seq.*); and (iii) the Drug Control Act (Title 54.1, Chapter 34 of the Code).

2. Within six (6) months of entry of this Order, Dr. Lee shall complete and submit a certificate or other evidence satisfactory to the Board, verifying that she has completed twelve (12) hours of continuing medical education ("CME") in the subject of medical recordkeeping. Said CME shall be approved in advance of registration by the Executive Director of the Board, and shall be completed through face-to-face, interactive sessions (i.e., no home study, journal or Internet courses). Any CME hours obtained in compliance with



this term shall not be used towards compliance with the Board's continuing education requirements for license renewal.

3. Within six (6) months of completing Terms 1 and 2 above, Dr. Lee's practice shall be the subject of an unannounced inspection by an inspector/investigator of the Department of Health Professions to determine her compliance with the Board's laws and regulations. Said inspection shall be conducted during normal business hours, and Dr. Lee shall cooperate with the inspector/investigator in the inspection of her practice.

4. Within thirty (30) days of completion of the unannounced inspection, Dr. Lee shall submit an inspection fee to the Board in the amount of five hundred dollars (\$500).

5. Upon completion of Terms 1-3 above, the Committee authorizes the Executive Director of the Board to close this matter without further action or, in his discretion, to refer this matter to a special conference committee for its review and consideration.

Dr. Lee shall maintain a course of conduct in her practice of medicine and surgery commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Violation of this Order may constitute grounds for the suspension or revocation of Dr. Lee's license. In the event Dr. Lee violates any of the terms and conditions of this Order, an administrative proceeding may be convened to determine whether such action is warranted.

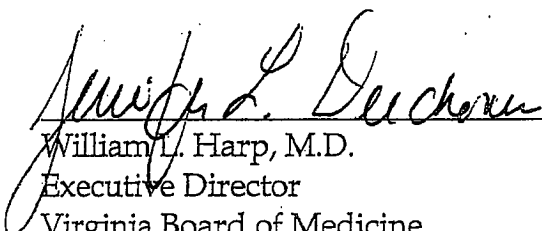
Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Sections 54.1-2400(10) of the Code, Dr. Lee may, not later than 5:00 p.m.,

on August 31, 2009, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on August 31, 2009, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD

*FOR*   
William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine

ENTERED: 7/27/2009

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**ORDER**

AND NOW, this 24th day of November, 2009, the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

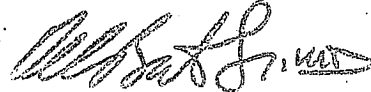
**BY ORDER:**

**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**

**STATE BOARD OF MEDICINE**



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Basil L. Merenda  
Commissioner



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Ollice Bates, Jr., M.D.  
Chairman

File No. 09-49-07814

Date of mailing:

December 3, 2009

For the Commonwealth:

Keith E. Bashore, Esquire  
P. O. Box 2649  
Harrisburg, PA 17105-2649

For Respondent:

Lesley H. Lee, M.D.  
4108 Woodland Road  
Annandale, VA 22003